United Nations S/2008/791

Security Council

Distr.: General
16 December 2008

Original: English

Letter dated 15 December 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to bring to your attention a response of the Government of Rwanda to the allegations contained in the report of the Group of Experts to the Security Council Committee established pursuant to resolution 1533 (2004) (S/2008/773) (see annex).

I should like to request that the present letter and its annex be circulated as documents of the Security Council.

(*Signed*) Joseph **Nsengimana**
Ambassador
Permanent Representative

08-65298 (E) 181208

BEST COPY AVAILABLE

Annex to the letter dated 15 December 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Response of the Government of Rwanda to the accusations of the United Nations Group of Experts on the Democratic Republic of the Congo

The Government of Rwanda expresses its deep disappointment at the report of the UN Group of Experts dated 10 December 2008, which contains dangerous inaccuracies and ill-intended information regarding the alleged support of the Government of Rwanda to the CNDP. This report is a calculated move to shift blame away from the Government of DRC and the international community – both of whom have failed to resolve the conflict in the eastern DRC despite numerous bilateral, regional and international initiatives in the last fourteen years. Rwanda has been cooperative in providing the UN Group of Experts with the information required to accomplish its mission and has been active in prohibiting any support to CNDP from Rwandan territory.

The Government of Rwanda believes that the UN Group of Experts report does not serve to truthfully inform the international community of the current situation in the DRC, nor does it give concrete proposals on implementation of existing initiatives aimed at achieving peace and stability. Instead, the report engages in an insidious balancing game between FDLR and CNDP, downplaying the despicable genocidal ideology of FDLR. This deliberate confusion can never contribute to the resolution of the longstanding conflict in the DRC.

It is evident from the report that the UN Group of Experts had predetermined conclusions on Rwanda and sought to apply the slightest excuses in an attempt to confirm these positions. The methodology used does not exhaust investigations in order to confirm or dismiss the rumours and allegations about Rwanda and no facts are provided to support the conclusions offered, as the report itself repeatedly indicates.

The report in paragraph 62 indicates that "*there is little documentation available to prove Rwandan material support to the CNDP*", the Government of Rwanda notes that even the implied *"little evidence"* implicating Rwanda is not substantiated as it is premised on allegations resulting from hearsay, perceptions and stereotypes in a strategy meant to justify the failures of the international community. The accusations

regarding Rwanda's involvement with CNDP deserve to be dismissed outright based on the facts below:

1. **Alleged complicity of Government of Rwanda in recruitment for CNDP**

The UN is fully aware of the fact that in accordance with the Nairobi Joint Communiqué, Rwanda put up stringent measures to prohibit any form of support to CNDP from the Rwandan territory. It is in this context that 67 CNDP recruits have so far been arrested and are currently detained in Rwanda's prisons. Rwanda has been and continues to collaborate closely with Burundi and Uganda to break up the CNDP recruitment network, and as a result, 22 CNDP deserters were handed over to Rwanda by Ugandan authorities on 31st October 2008. In addition, Rwandan authorities intercepted Col. Mutebutsi and have confined him in Rwanda to prevent him from joining CNDP.

The Government of Rwanda expresses its dismay at the UN Group of Experts' allegations that Rwanda has been helping CNDP to recruit child soldiers in Rwanda. Based on the UN Protocol prohibiting the involvement of children in armed conflict and Rwanda's domestic laws and policies which include compulsory education for all children, the Government of Rwanda does not condone in any way the recruitment of child soldiers on its national territory. The fact is that some minors destined as recruits for CNDP have been among those intercepted and sent to Rehabilitation centres by Rwandan authorities.

The Government of Rwanda would also like to bring to the attention of the UN Group of Experts that three people suspected of recruiting for CNDP were arrested on 1st December 2008 (Police file number 273/NJP/KNDO/KNZA/2008; Prosecution file number 83813/S1/2008/MS) and are currently being pursued by Rwandan justice.

2. **Alleged distribution of military uniforms, military hardware and support to CNDP by RDF units and officers**

The UN Group of Experts report in paragraph 29 acknowledges that it has not been able to corroborate the allegations pertaining to the claims that the CNDP receives shipments of ammunition through neighbouring countries including Uganda and Rwanda. However, the Group deliberately goes ahead to give graphic details of information for which it admits to having no evidence – clear testimony of the complete lack of professionalism and bad faith that characterize the reporting on Rwanda.

The Government of Rwanda has never supplied uniforms to CNDP as alleged. It would be illogical for any government to supply uniforms with its national

flag to a rebel group, as referred to in paragraph 27 of the Group of Experts report. Rwandan Military uniforms are manufactured in Rwanda, and if there was any intention to supply CNDP with military uniforms, it would have been a simple matter of manufacturing them specifically with no flags.

Regarding the truck, on which no details are provided, that allegedly transported uniforms to CNDP through Bunagana border, the Government of Rwanda would like to remind the Group that Rwanda does not have a common border with DRC at Bunagana.

The Group in paragraph 28 of the report acknowledges being informed by Rwandan authorities of the seizure of uniforms destined for CNDP at Kigali International Airport, and the arrest of the person involved. The uniforms originated from the US, and the Government of Rwanda in conformity with bilateral agreements under the Nairobi Communiqué, fulfilled its obligation in arresting the suspect, and voluntarily informing the international community as well as the Group of Experts. The suspect, Claude Nsengiyunva is facing justice (File number RPGR0392/08/Kgl/NM/NKA and RPGR13/DP/BS/08/NYRGA). The Government of Rwanda sees the misuse of the voluntary collaboration as evidence against it as macabre, particularly since these actions as well as the arrest of some CNDP deserters and recruits confirm Rwanda's commitment to the spirit of the Nairobi Joint Communiqué.

On the alleged supply of arms and ammunitions to CNDP by the Rwandan Defense Forces, CNDP gets its weapons from the FARDC as graphically detailed in the Group of Experts report in its paragraphs 25 and 26, and corroborated by other reports including the Human Rights Watch report of December 2008 entitled *"Killings in Kiwanja: The UN's inability to protect civilians.* As the Group of Experts might be aware, Nkunda also received weapons, uniforms and salaries from the DRC Government during the *mixage* period from January-August 2007.

On the alleged presence of RDF units and officers within the CNDP, there has never been any support by RDF units or officers to CNDP. This is in spite of the threat presented by the deployment of some FDLR forward units only two kilometres from the Rwandan border. There is a complete lack of evidence on this matter in the report, including no proof that the said soldiers belonged to RDF, no name of the unit and its commander, area where it was deployed in Rwanda, as well as no audiovisual records. These allegations are therefore unfounded and should be completely disregarded.

On the allegation that tank and motor fire was seen coming from across the border in Rwanda on 29 October 2008, and that the alleged action was "instrumental in breaking the FARDC as CNDP advanced towards Goma", the

Government of Rwanda points out that the RDF never made any attempt to fire on DRC territory. On the contrary, it is the FARDC that shot at the Rwandan territory at Kabuhanga near Petite Barrière and Kamahoro. The Government of Rwanda immediately informed the Congolese authorities about the shooting and FARDC brought it to an end. Rwanda never reacted by shooting back. The CNDP has on several occasions registered military successes against the FARDC as reported by MONUC. There is therefore no justified reason to tarnish Rwanda as an excuse for the shortcomings of FARDC or the military successes of CNDP.

The UN Group of Experts allege that General Bosco Ntaganda of CNDP was seen in a Land Rover jeep (for which no number plate is provided) with a dozen troops at the Kabuhanga border *"coming from a 1-2 kilometre wide neutral zone between the Rwandan and Congolese border"*. The Group of Experts conclude that he was coming from Rwanda since according to local sources the road did not lead anywhere else, although the said neutral zone is not Rwandan territory. Moreover, it is worth noting that CNDP had captured the area from FARDC 83rd Brigade and had been in full control of the areas bordering Rwanda for almost two weeks. It is therefore possible that Gen Bosco Ntaganda was inspecting his troops along the border with Rwanda, but did not at any one time cross into Rwanda as alleged in the report.

3. Allegation that Rwanda has been a rear base for CNDP in other ways

a. Alleged bank accounts operated by CNDP in Rwanda

The Government of Rwanda is not aware of bank accounts owned by CNDP in Rwanda and did not refuse the Group of Experts access to any required information concerning this matter. There may well be some bank accounts owned by individuals with possible links to CNDP, but the Government of Rwanda cannot by law take any action against any such individual unless if he/she is under UN sanctions. The Government of Rwanda would appreciate receiving from the Group of Experts any evidence linking the alleged bank accounts to CNDP. In such a case, the Government of Rwanda would be ready to implement the UN Security Council sanctions to the concerned individuals and stands willing to cooperate by providing any required information. The Group of Experts should have exhausted its investigation before recklessly referring to this case as evidence for rear base support to CNDP.

b. Allegation that CNDP officials own houses and have families in Rwanda

Rwanda is host to more than 50,000 Congolese refugees; some of whom have blood relations with CNDP officials. Some of these refugees may well have bought properties in Rwanda or built houses as alleged, but the Government of Rwanda is unaware of any property belonging to CNDP or registered in the names of known CNDP leaders. Besides, there is no law in Rwanda prohibiting foreigners with no criminal records from purchasing or possessing properties on its territory.

c. Allegation that CNDP officials visit Embassies in Kigali

The Government of Rwanda is unaware of these visits and has no control over movements to and from Embassies, in accordance with the principle of extraterritoriality. The issue of alleged visits should therefore have been directed to the concerned Embassies.

d. Alleged fundraising meetings conducted in Gisenyi, especially at the height of the offensive in October, 2008

There may well be some fundraising activities carried out in some of the Congolese households in Rwanda, since Rwanda is host to many Congolese refugees, but there is no involvement of the Government of Rwanda whatsoever. Rwanda is not a police state, and cannot watch over all activities or on all individuals without known criminal records.

e. Alleged 30 MTN phone numbers listed as operated by CNDP

MTN is a private company. The Group of Experts presented to Rwanda 22 MTN numbers which it said belonged to CNDP individuals and requested information on these numbers. Whereas the Government of Rwanda provided required information to the Group of Experts, it is disappointing to see that the Group of Experts refers to it as evidence for the alleged rear support to CNDP before completing investigations on the subject as stated in their report.

Further, these phone numbers are listed as "Pay As You Go" (or pre-paid), and as SIM cards are sold on an open market, it is impossible for the Government of Rwanda to have control over every individual who purchases a SIM card. Rwanda is also an open market and therefore no restrictions are imposed on consumers of telecommunications services.

On the accusation that CNDP and FRF officials make and receive calls to and from the RDF High Command as well as the Rwandan presidency, this cannot logically serve as a basis to accuse Rwanda of supporting the two groups. It is possible that some CNDP officials communicate with some people in Rwanda on an individual basis, partly because some of them have friends or relatives in Rwanda. In addition, the fact that some Rwandan officials make and receive

calls to and from the two groups should not be interpreted as implicating the Government of Rwanda, since even enemies sometimes maintain contact during conflicts (even the DRC government and CNDP may be maintaining contact, yet they have been fighting).

In any case, both the international community and DRC government have repeatedly asked Rwanda to use her "moral authority" to engage CNDP on specific requests – a task that cannot be undertaken without establishing some form of communication.

f. **Allegation that some trucks that supplied fuel and goods are registered in Rwanda**

Whereas the Group of Experts talks about "trucks", the Government of Rwanda was only informed (by the Group of Experts) of one truck registered as RAB 056D/RL 0447, and has been cooperative in finding the required information on this truck, including the owner, who is a private businessman based in Goma, DRC, with no links whatsoever to the Government of Rwanda. It is important to note that foreigners with no sanctions or criminal records have the right to do business in Rwanda. The Government of Rwanda has no control over fuel and other supplies delivered in DRC by private business people, and should therefore not be held accountable for any such deliveries.

In conclusion, the Government of Rwanda notes with disappointment that the UN Group of Experts report is totally biased against Rwanda; it deliberately ignores a clear identification of FDLR as the root cause of the conflict in eastern DRC and ironically chooses to refer to it as a Hutu rebel group instead of correctly identifying it as a genocidal force.

The Government of Rwanda wishes to strongly remind the UN Group of Experts that the current crisis in eastern DRC is a direct consequence of the UN's (and international community's) mishandling of the same genocidal force that crossed into DRC in the summer of 1994, leaving behind a million of their fellow Rwandan citizens dead.

The Government of Rwanda remains committed to continuing collaborating closely with the Government of the DRC, as well as with the other partner states in the region to establish and maintain peace and stability. As it has done in the last fourteen years, the Government of Rwanda intends to fully engage and participate in all initiatives in this direction. These include a joint Rwanda/DRC military operation plan to disarm remnants of genocidal forces in the DRC (FDLR); resumption of diplomatic relations between DRC and Rwanda, Burundi and Uganda; as well as the revival of the CEPGL (economic community of the Great

Lakes region that comprises Burundi, DRC and Rwanda). This is in addition to a larger regional Summit initiative involving eleven countries and several international organizations including the UN. A review meeting of the Summit is scheduled for 21 December 2008.

The Government of Rwanda strongly recommends that the UN disown the unfounded allegations against Rwanda contained in the Group of Experts, and instead fully engage in supporting the implementation of ongoing bilateral, regional and international initiatives to resolve the conflict in the region.

United Nations S/2008/792

Security Council

Distr.: General
16 December 2008

Original: English

France: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1664 (2006), 1686 (2006), 1748 (2007), 1757 (2007), 1815 (2008), 1373 (2001) and 1566 (2004),

Reaffirming its strongest condemnation of the 14 February 2005 terrorist bombing, as well as of all other attacks in Lebanon since October 2004, and reaffirming also that those involved in these attacks must be held accountable for their crimes,

Having examined the report of the International Independent Investigation Commission (S/2008/752) ("The Commission"), submitted pursuant to resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006), 1748 (2007) and 1815 (2008),

Taking note of the Secretary-General's announcement that the Special Tribunal for Lebanon (The Tribunal) is fully on track to commence functioning on 1 March 2009,

Taking note of the Commission's request to extend its mandate up to 28 February 2009, so that it can continue its investigation without interruption and gradually transfer operations, staff and assets to The Hague with a view to completing the transition by the time the Tribunal starts functioning,

Taking note of the letter of the Prime Minister of Lebanon of 4 December 2008 (S/2008/764, Enclosure) to the Secretary-General expressing the hope that the Security Council will respond favourably to the Commission's request,

Commending the Commission for its extensive work and the progress it continues to achieve in the investigation on all cases within its mandate, and *looking forward* to further progress in this regard by the Commission as well as by the Office of the Prosecutor, once it begins to operate and takes over the continuation of the investigation into the death of former Prime Minister Rafiq Hariri and other cases which may be connected with the attack of 14 February 2005, in conformity with the Statute of the Tribunal,

Recognizing the commitment of Member States to the work of the Commission and *underlining* the importance of the continuation of their full cooperation with the Commission and, once it begins to operate, with the Office of the Prosecutor, in accordance with resolution 1757 (2007), in order to enable effective investigations and prosecutions,

08-65794 (E) 171208

1. *Welcomes* the report of the Commission;

2. *Decides* to extend the mandate of the Commission until 28 February 2009;

3. *Decides* to remain seized of the matter.

United Nations S/2008/793

Security Council

Distr.: General
17 December 2008

Original: English

Letter dated 16 December 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1842 (2008) concerning Côte d'Ivoire. By paragraph 10 of the resolution, the Council decided to extend the mandate of the Group of Experts until 31 October 2009 and requested me to take the necessary administrative measures.

Accordingly, I wish to inform you that, after consulting with the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, I have appointed the following experts:

Grégoire Bafouatika, Republic of the Congo (aviation)
James Bevan, United Kingdom of Great Britain and Northern Ireland (arms)
Noora Jamsheer, Bahrain (diamonds)
El Hadi Salah, Algeria (customs)

I have designated Mr. El Hadi Salah to serve as Coordinator of the Group of Experts.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-65655 (E) 181208

United Nations S/2008/794

Security Council

Distr.: General
18 December 2008

Original: English

Letter dated 11 December 2008 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council, which is to be held on Thursday, 18 December 2008, regarding the situation in the Middle East, including the Palestinian question.

(*Signed*) Feda **Abdelhady-Nasser**
Chargé d'affaires a.i.

08-65928 (E) 181208

United Nations S/2008/795

Security Council

Distr.: General
18 December 2008

Original: English

Note by the President of the Security Council

Following consultations among the members of the Security Council, it has been agreed that the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, initially established on 1 March 2002 (see S/2002/207) for a period of one year, will continue its work until 31 December 2009.

08-65934 (E) 181208

United Nations S/2008/796

Security Council

Distr.: General
18 December 2008

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "arms embargo"), resolution 1519 (2003) of 16 December 2003, resolution 1558 (2004) of 17 August 2004, resolution 1587 (2005) of 15 March 2005, resolution 1630 (2005) of 14 October 2005, resolution 1676 (2006) of 10 May 2006, resolution 1724 (2006) of 29 November 2006, resolution 1744 (2007) of 20 February 2007, resolution 1766 (2007) of 23 July 2007, resolution 1772 (2007) of 20 August 2007, resolution 1801 (2008) of 20 February 2008, resolution 1811 (2008) of 29 April 2008, and resolution 1844 (2008) of 20 November 2008,

Recalling that, as set out in its resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (a) weapons and military equipment, technical training and assistance intended solely for support of or use by the African Union Mission in Somalia (AMISOM), and (b) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992) (hereinafter referred to as "the Committee") within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming that the Djibouti Peace Agreement and follow-on dialogue process represent the most viable basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia based on the Transitional Federal Charter (TFC),

Reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

Commending the work of the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah, and reaffirming its strong support for his efforts,

08-66321 (E) 191208

Taking note of the report of the Monitoring Group dated 10 December 2008 (S/2008/769) submitted pursuant to paragraph 3 (i) of resolution 1811 (2008) and the observations and recommendations contained therein,

Condemning flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo as a serious threat to peace and stability in Somalia,

Reiterating its insistence that all States, in particular those in the region, should refrain from any action in contravention of the arms embargo and should take all necessary steps to hold violators accountable,

Reiterating and underscoring the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargo will improve the overall security situation in Somalia,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

2. *Reiterates* its intention to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

3. *Decides* to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of twelve months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1811 (2008), and with the addition of a fifth expert, in consultation with the Committee, in order to fulfil its expanded mandate, this mandate being as follows:

(a) to continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) to carry out additionally the tasks outlined in paragraphs 23 (a) to (c) of resolution 1844 (2008);

(c) to continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations;

(d) to continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(e) to continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(f) to continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436,S/2008/274 and S/2008/769) appointed pursuant to resolutions 1519 (2003) of 16 December 2003, 1558 (2004) of 17 August 2004, 1587 (2005) of 15 March 2005, 1630 (2005) of 14 October 2005,1676 (2006) of 10 May 2006, 1724 (2006) of 29 November 2006, 1766 (2007) of 23 July 2007 and 1811 (2008) of 29 April 2008;

(g) to work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(h) to assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(i) to provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(j) to submit, for the Security Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate;

4. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

5. *Reaffirms* paragraphs 4, 5, 7, 8 and 10 of resolution 1519 (2003);

6. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group dated 5 April 2006, 16 October 2006, 17 July 2007, 24 April 2008, and 10 December 2008 and recommend to the Council ways to improve implementation of and compliance with the arms embargo as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), in response to continuing violations;

7. *Decides* to remain actively seized of the matter.

United Nations S/2008/797

Security Council

Distr.: General
18 December 2008

Original: English

United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights, the conservation and protection of biodiversity, and the process for the awarding of contracts for commercial forestry operations,

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, and welcoming the Government of Liberia's participation in the Kimberley Process Certification Scheme, noting Liberia's implementation of the necessary internal controls and other requirements of the Kimberley Process, and calling on the Government of Liberia to continue to work diligently to ensure the effectiveness of these controls,

Recalling the statement of its President on 25 June 2007 (S/PRST/2007/22) recognizing the role of voluntary initiatives aimed at improving revenue transparency such as the Extractive Industries Transparency Initiative (EITI) and noting General Assembly resolution 62/274 on strengthening transparency in industries, supports Liberia's decision to inter alia take part in EITI and other extractive industry transparency initiatives and encourages Liberia's continued progress in implementing their EITI work plan to improve revenue transparency,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the Government establish its authority throughout the country, particularly in the diamond, timber, and other natural resources-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 16 December 2008 (S/2008/785), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

08-66340 (E) 191208

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

Urging all parties to support the Government of Liberia in identifying and implementing measures that will ensure progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003),

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of this resolution;

(b) That Member States shall notify the Committee established by paragraph 21 of resolution 1521 (2003) ("the Committee") upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006), or paragraph 1 (b) of resolution 1731;

(c) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on the lack of progress in this regard, and calls on the Government of Liberia to continue to make all necessary efforts to fulfil its obligations;

3. *Reconfirms* its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines, particularly with regard to listing and delisting procedures;

4. *Decides* to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1819 (2008) for a further period until 20 December 2009 to undertake the following tasks:

(a) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm and a final report

on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraph 1 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson Sirleaf on 5 October 2006;

(d) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

(e) To provide a midterm report to the Council through the Committee by 1 June 2009 and a final report to the Council through the Committee by 20 December 2009 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;

(f) To cooperate actively with other relevant groups of experts, in particular that on Côte d'Ivoire re-established by paragraph 10 of resolution 1842 (2008), and with the Kimberley Process Certification Scheme;

(g) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

(h) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists;

5. *Requests* the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

6. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

7. *Encourages* the Government of Liberia to continue to implement the recommendations of the 2008 Kimberley Process review team to strengthen internal controls over diamond mining and export;

8. *Encourages* the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding Liberia's implementation of the Kimberley Process Certification Scheme;

9. *Decides* to remain actively seized of the matter.

United Nations S/2008/798

Security Council

Distr.: General
18 December 2008

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002,

Recalling in particular that resolution 1503 (2003) of 28 August 2003 called upon the International Criminal Tribunal for Rwanda (the International Tribunal) to take all possible measures to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010, and that resolution 1534 (2004) of 26 March 2004 emphasized the importance of fully implementing the International Tribunal's completion strategy,

Taking note of the letter to the President of the Council from the Secretary-General dated 18 December 2008, attaching the letter to him from the President of the International Tribunal dated 10 December 2008 (S/2008/798), and *having considered* the proposals made by the President of the International Tribunal,

Noting that two permanent judges currently serving at the Tribunal will resign by the end of 2008, and that three other permanent judges have indicated their intention to resign upon the completion of their respective cases, and that their replacement would not be necessary if the International Tribunal is authorized to assign more ad litem judges to cases,

Convinced of the advisability of allowing the Secretary-General to appoint additional ad litem Judges to the nine ad litem Judges authorized by the Statute, as a temporary measure to enable the International Tribunal to complete trials and conduct additional trials as soon as possible in order to meet its completion strategy,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the Secretary-General may appoint, within existing resources, additional ad litem Judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding that the total number of ad litem Judges appointed to the Chambers will from time to time temporarily exceed the maximum of nine provided for in article 11, paragraph 1, of the Statute of the International Tribunal, to a maximum of twelve at any one time, returning to a maximum of nine by 31 December 2009;

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2. *Decides* to amend article 11, paragraph 2, of the Statute of the International Tribunal as set out in the annex to this resolution;

3. *Decides* to remain seized of the matter.

Annex
Article 11: Composition of the Chambers

2. Each Trial Chamber may be divided into sections of three judges each. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present Statute and shall render judgment in accordance with the same rules.

United Nations S/2008/799

Security Council

Distr.: General
19 December 2009

Original: English

Letter dated 18 December 2008 from the Secretary-General addressed to the President of the Security Council

I attach for your information a letter dated 10 December 2008 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex).

Judge Byron seeks waivers from and amendments to the statute of the International Tribunal so that it may continue to downsize and at the same time complete both ongoing and new trials.

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-66577 (E) 160109

Annex

Letter dated 10 December 2008 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

I respectfully request that you transmit the present letter to the President of the Security Council for consideration and necessary action. The purpose of this letter is to request a waiver from several provisions in the statute of International Criminal Tribunal for Rwanda to enable it to continue downsizing and at the same time to complete the ongoing and new trials during 2009. Specifically, I respectfully request consideration of the following three issues:

(a) Increase, from 1 January to 31 December 2009, the maximum number of ad litem judges to serve at the Tribunal at any one time from 9 to 12;

(b) The possibility for the section of a Trial Chamber to sit in any particular case to be composed of ad litem judges only;

(c) The permission for judges whose term is coming to an end to take on another judicial or quasi-judicial position while they finalize the judgement-writing phase of their remaining cases for the Tribunal.

I respectfully request the Security Council to address these three issues in a Security Council resolution.

Rationale and requested action

The attached statistical grid shows (see attachment 1) that the anticipated workload during 2009 is at least as high as it has been since the commencement of the Tribunal. This new and anticipated workload, involving 10 new cases, was created by the denial of the Prosecutor's request to refer four cases to Rwanda and one case to the Netherlands. In addition, a retrial was ordered by the Appeals Chamber and a contempt of court case is pending trial. Finally, three high profile accused individuals have been transferred to the Tribunal for trial in 2008. At the same time, as shown in attachment 2, three judges (two permanent and one ad litem) will resign by the end of 2008, and four more (three permanent and one ad litem) have announced their intention to resign once their ongoing cases are completed. They are not available to take on new cases. Four new ad litem judges will be required to take on the work of the 10 new cases. Since the current judges will finalize their ongoing work between 1 January and 31 December 2009, and new cases will commence concurrently, the number of ad litem judges will exceed the statutory maximum of nine (article 11 (1) of the statute), by three.

The Security Council is therefore respectfully requested to allow for a temporary waiver of the maximum number of nine ad litem judges foreseen in article 11 (1) of the statute to a maximum of 12 at any one time, between 1 January and 31 December 2009.

Two permanent judges leave the Tribunal by the end of 2008. Three more have announced their intention to resign once the work on their ongoing cases is finished. Only four permanent judges are, within the limits of their ongoing workload, available to take on new cases. Currently, article 11 (2) of the statute of the Tribunal requires that trial panels be composed of both permanent and ad litem judges. A

waiver from the requirement of a permanent judge to be included in all trial sections will be essential to enable the Tribunal to handle its workload next year with the available resources.

The Security Council is therefore respectfully requested to allow for a waiver of the provision in article 11 (2) of the statute of the Tribunal.

Currently, the terms and conditions of the judges referred to in Article 12 bis (3) of the statute of the Tribunal, which, in turn, refers to the Statute of the International Court of Justice exclude any other occupation of a professional nature during the service at the Tribunal. It is suggested that the President of the Tribunal be authorized, in a resolution amending article 12 bis (3), to allow a judge to take on another judicial or quasi-judicial function which does not involve political or administrative functions and which is compatible with the independence and impartiality required of a judge of the Tribunal from the time of the completion of the evidence phase in the last case of the judge in question until his or her term of office comes to an end upon delivery of the judgement.

While ongoing cases are in the judgement-writing phase, and the judges assigned to those cases have already announced that they would not be available to take on new cases, the possibility for them to engage in part-time work would be cost efficient, as remuneration and emoluments would be adapted, and would also allow them to take on new judicial or quasi-judicial positions while finalizing their work at the Tribunal. The request and permission would need to specify the occupation in question. The President of the Tribunal could only give his permission after ascertaining that it is unlikely that the other position would give rise to conflicts of interests, and that it would allow the judge to fully comply with his obligations to the Tribunal. Moreover, if an issue of conflicting interest should arise, it follows from the current rules that the Presiding Judge of the relevant Trial Chamber, *motu proprio*, or upon a complaint, must address the matter and that that decision can be appealed to the Bureau. The proposal corresponds to the permissible practice, for example, at the International Court of Justice and at the Extraordinary Chambers in the Courts of Cambodia.

The Security Council is therefore respectfully requested to authorize the President of the Tribunal accordingly.

The Tribunal intends to start several of the 10 new trials in January and February 2009. This requires that the additional ad litem judges be appointed as soon as possible and that benches of three ad litem judges be designated for these trials. Therefore, I respectfully ask you to treat this matter with urgency so that the Security Council can consider the proposals set out above before the end of 2008.

Dennis **Byron**
President of the International Criminal Tribunal for Rwanda

Attachment 1

Anticipated workload of the International Criminal Tribunal for Rwanda: 2009

	Courtroom I	*Courtroom II*	*Courtroom III*	*Courtroom IV*
January 2009	Muvunyi (retrial) Prosecution and Defence (12-23 Jan.), 2 weeks			
	Kalimanzira Defence (from 26 Jan.), 2 weeks	Hategekimana Prosecution (from 26 Jan.), 3 weeks		
February 2009	Kalimanzira Defence (until 6 Feb.)	Hategekimana Prosecution (until 13 Feb.)	Nshogoza Prosecution (2-13 Feb.), 2 weeks	
	Karemera et al. Defence (from 9 Feb.), 30 weeks		Military II — recall of witnesses (from 16 Feb.), 3 weeks	Setako Prosecution (from 16 Feb.)
		Butare — recall of witnesses (from 23 Feb.), 3 weeks		
March 2009	Karemera et al. Defence (until 6 March)	Butare — recall of witnesses (until 13 March)	Military II — recall of witnesses (until 6 March)	Setako Prosecution (until 6 March)
	Break: 2 weeks		Nshogoza Defence (9-20 March), 2 weeks	Kanyarukiga Prosecution (from 9-27 March), 3 weeks
	Karemera et al. Defence (from 23 March)		Ntawukulilyayo Prosecution (from 30 March), 4 weeks	Nzabonimana Prosecution (from 30 March), 3 weeks
April 2009	Karemera et al. Defence (1-8 April)		Ntawukulilyayo Prosecution (until 3 April)	Nzabonimana Prosecution (until 9 April)
		Hategekimana Defence (from 6 April), 3 weeks	*Break: 6-26 April*	
	Break: 1 week (Easter)	*Break: 1 week (Easter)*		*Break: 1 week (Easter)*
	Karemera et al. Defence (from 20 April)	Hategekimana Defence (from 20 April until 1 May)	Ntawukulilyayo Prosecution (from 27 April)	Nzabonimana Prosecution (until 24 April)

	Courtroom I	*Courtroom II*	*Courtroom III*	*Courtroom IV*
May 2009	Karemera et al. Defence (4-29 May)	Ngibaratware Prosecution (4-29 May), 4 weeks	Ntawukulilyayo Prosecution (until 15 May)	Setako Defence (from 4 May), 6 weeks
	Two week break for Security Council address		Bagaragaza Prosecution (from 18 May), 3 weeks	
June 2009	Karemera et al. Defence		Bagaragaza Prosecution (until 5 June), 3 weeks	Setako Defence (until 12 June)
		Kanyarugika Defence (8-26 June), 3 weeks	Nzabonimana Defence (8-26 June)	
		Ngibaratware Defence (from 29 June), 4 weeks	Ntawukulilyayo Defence (from 29 June), 4 weeks	
July 2009	Karemera et al. Defence	Ngibaratware Defence (until 24 July)	Ntawukulilyayo Defence (until 24 July)	
August 2009	*2-week judicial recess*	*Judicial recess*	*Judicial recess*	*Judicial recess*
	Karemera et al. Defence	Bagaragaza Defence (10-29 August), 3 weeks	Gatete Prosecution (from 10 August), 4 weeks	Munyakazi Prosecution (from 10 August), 4 weeks
September 2009	Karemera et al. Defence		Gatete Prosecution (until 4 September)	Munyakazi Prosecution (until 4 September)
October 2009	Karemera et al. Defence (until 23 October)		Gatete Defence (5-30 October), 4 weeks	Munyakazi Defence (5-30 October), 4 weeks
November 2009				
December 2009				

Attachment 2

Judges who have already resigned or intend to resign in 2009 and will take no further cases

Judge	*Status*	*Resignation or intended resignation*	*Work to be completed in 2009*	*Replacement*
Weinberg	P	December 2008		Ad litem Judge 1
Reddy	P	December 2008		Ad litem Judge 2
Fremr	AL	December 2008		Ad litem Judge 3
Møse	P	After *Setako*	*Nsengimana*: judgement drafting (delivery projected for mid-2009)	
			Renzaho: judgement drafting (delivery projected for spring 2009)	
			Setako: completion of evidence (May 2009) and judgement drafting (delivery projected for end 2009)	
Egorov	P	After *Setako*	*Nsengimana*: judgement drafting (delivery projected for mid-2009)	
			Renzaho: judgement drafting (delivery projected for spring 2009)	
			Setako: completion of evidence (May 2009) and judgement drafting (delivery projected for end 2009)	
De Silva	P	March 2009 (after closing arguments *Military II*) with special provisions for non-resident judgement writing	*Rukundo*: judgement drafting (delivery projected for mid-2009)	
			Military II: recall of some witnesses and closing arguments (February and March 2009) and judgement drafting (delivery projected for end 2009)	
Short	AL	January 2009, with special provisions for non-resident judgement writing	*Bizimungu*: judgement drafting (delivery projected for second half 2009)	Ad litem Judge 4

Attachment 3

Benches: 2009

New cases	*Presiding Judge*	*Judge*	*Judge*	*Scheduled start of trial*
Nshogoza	Khan	Muthoga	Ad litem Judge 4	February 2009
Ntawukulilyayo	Khan	Muthoga	Ad litem Judge 4	April 2009
Muvunyi	Byron	Joensen	Ad litem Judge 1	January 2009
Hategekimana[a]	Arrey	Ad litem Judge 3	Ad litem Judge 1	January 2009
Nzabonimana	Ramaroson	Hikmet	Ad litem Judge 2	April 2009
Kanyarugika[a]	Bossa	Park	Ad litem Judge 3	March 2009
Ngibaratware	Sekule	Ad litem Judge 3	Ad litem Judge 2	May 2009

Ongoing trials	*Presiding Judge*	*Judge*	*Judge*	*Scheduled end of evidence*
Kalimanzira	Byron	Kam	Joensen	January 2009
Karemera	Byron	Kam	Joensen	October 2009
Setako	Møse	Egorov	Arrey	May 2009

Judgement drafting	*Presiding Judge*	*Judge*	*Judge*	*Projected delivery*
Bizimungu	Khan	Short	Muthoga	End 2009
Renzaho	Møse	Egorov	Arrey	First half 2009
Nsengimana	Møse	Egorov	Arrey	First half 2009
Rukundo	De Silva	Park	Hikmet	First half 2009
Butare	Sekule	Ramaroson	Bossa	End 2009
Military II	De Silva	Park	Hikmet	End 2009

Possible additional new cases[b]	*Presiding Judge*	*Judge*	*Judge*	*Scheduled start of trial*
Munyakazi				August 2009
Gatete				August 2009
Bagaragaza				May 2009

[a] Benches with three ad litem judges.
[b] The Prosecutor is considering the option of a new request for referral under rule 11 bis of the statute of the Tribunal for these three cases.

United Nations S/2008/800

Security Council

Distr.: General
22 December 2008
English
Original: English/French

Belgium, France and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its resolutions and the statements of its President concerning the Democratic Republic of the Congo, in particular resolution 1843 (2008) and resolution 1794 (2007) and the statements of its President dated 29 October 2008 (S/PRST/2008/40) and 21 October 2008 (S/PRST/2008/38),

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Condemning the Congrès national pour la Défense du people (CNDP) repeated offensive military actions in the past months, which have caused massive displacement of populations in North Kivu as well as cross-border movements of refugees and which have also involved the PARECO and other illegal armed groups, and *condemning* also the attacks by the Lord's Resistance Army (LRA) in the Orientale Province, as well as the resumption of hostilities by illegal armed groups in Ituri,

Underlining that a major obstacle to lasting peace in the Kivus is the presence and activities of illegal armed groups on Congolese territory, including the Forces Démocratiques de Libération du Rwanda (FDLR) as acknowledged by its resolution 1804 (2008), which represent one of the primary causes for the conflict in the region,

Taking note of the final declaration of the Nairobi summit organized on 7 November 2008 by President Mwai Kibaki, acting Chairman of the International Conference on the Great Lakes region, and President Jakaya Kikwete, President-in-office of the African Union, and the communiqué of the extraordinary summit of the SADC Heads of State and Government held in Sandton on 9 November 2008, *welcoming* the appointment of facilitators including the Special Envoy of the Secretary-General for the Great Lakes region, former Nigerian President Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Benjamin Mkapa, *inviting* these facilitators to keep the Council informed of their activities, and *encouraging* the countries of the region to maintain this high level of

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commitment on the crisis in the eastern part of the Democratic Republic of the Congo, and act to assist efforts to resolve the conflict,

Recalling the joint communiqué of the Government of the Democratic Republic of Congo and the Government of the Republic of Rwanda signed in Nairobi on 9 November 2007 and the Acte d'engagement which emerged from the Conference for Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, and *reaffirming* that the Goma and Nairobi processes are the appropriate framework for stabilising the situation in the eastern part of the Democratic Republic of the Congo,

Emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolution 1807 (2008) or in support of activities of armed groups present in the region in accordance with the Pact on Security, Stability and Development for the Great Lakes Region and *urging* them to take effective measures to prevent cross-border support to any illegal armed group in the eastern region of the Democratic Republic of the Congo, and *welcoming* the progress made in high-level bilateral talks between the Governments of the Democratic Republic of the Congo and Rwanda,

Recalling also the importance of urgently carrying out comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and the contribution made by international partners in this field,

Recognizing the link between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and in particular in the Democratic Republic of the Congo,

Expressing its extreme concern at the deteriorating humanitarian and human rights situation, *condemning* in particular the targeted attacks against the civilian population, sexual violence, recruitment of child soldiers and summary executions, and *stressing* the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other relevant actors, to end those violations of human rights and international humanitarian law, in particular those carried out by the militias and armed groups and by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC), the Congolese National Police (PNC) and other security and intelligence services, and to bring the perpetrators, as well as the senior commanders under whom they serve, to justice, and *calling on* Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1674 (2006) on the protection of civilians in armed conflicts, and its resolution 1612 (2005) on children in armed conflict, and *recalling* the conclusions of the Security

Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of the Congo (S/2008/693),

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolution 1807 (2008),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo and its international partners to consolidate democracy and promote the rule of law, good governance, recovery and development,

Expressing its full support for MONUC, *condemning* all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators, and *emphasizing* that those responsible for such attacks must be brought to justice,

Recalling that the temporary increase of MONUC's capacities authorized by its resolution 1843 (2008) aims at enabling MONUC to reorganize, and in particular reconfigure its structure and forces and optimize their deployment, allowing the constitution of a quick-reaction capability to provide greater flexibility to deploy as needed to strengthen efforts to protect civilians and provide additional security in the eastern part of the Democratic Republic of the Congo,

Recognizing that effective coordination between the Government of the Democratic Republic of the Congo and MONUC on security matters in the areas of conflict as well as the accelerated building of credible, cohesive and disciplined Congolese armed forces is essential for the implementation of MONUC's mandate,

Taking note of the fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, dated 21 November 2008 (S/2008/728), and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 December 2009 and *authorizes* the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units;

2. *Requests* MONUC to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressively during the coming year its action in the eastern part of the Democratic Republic of the Congo;

3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to:

Protection of civilians, humanitarian personnel and United Nations personnel and facilities

(a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;

(b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons;

(c) Ensure the protection of United Nations personnel, facilities, installations and equipment;

(d) Ensure the security and freedom of movement of United Nations and associated personnel;

(e) Carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance;

Disarmament, demobilization, monitoring of resources of foreign and Congolese armed groups

(f) Deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, foreign or Congolese, particularly in the eastern part of the Democratic Republic of the Congo, including by using cordon and search tactics and undertaking all necessary operations to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in that area;

(g) Coordinate operations with the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo and support operations led by and jointly planned with these brigades in accordance with international humanitarian, human rights and refugee law with a view to:

- Disarming the recalcitrant local armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the release of children associated with those armed groups;
- Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process (DDRRR) and the release of children associated with those armed groups;
- Preventing the provision of support to illegal armed groups, including support derived from illicit economic activities;

(h) Facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants;

(i) Contribute to the implementation of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese

authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

(j) Use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources;

Training and mentoring of FARDC in support for security sector reform

(k) Provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of international broader efforts to support the security sector reform;

(l) In coordination with international partners, including the European Union operations EUSEC and EUPOL, to contribute to the efforts of the international community to assist the Congolese Government in the initial planning process of the security sector reform, to build credible, cohesive, and disciplined Congolese armed forces and to develop the capacities of the Congolese national police and related law enforcement agencies;

Territorial security of the Democratic Republic of the Congo

(m) Observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes;

(n) Monitor the implementation of the measures imposed by paragraph 1 of resolution 1807 (2008), in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established by resolution 1533 (2004), including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

(o) Seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate;

(p) Provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 8 of resolution 1807 (2008);

(q) Assist the Government of the Democratic Republic of the Congo, in enhancing its demining capacity;

4. *Decides* that MONUC will also have the mandate, in close cooperation with the Congolese authorities, the United Nations Country Team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end, to:

(a) Provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels;

(b) Promote national reconciliation and internal political dialogue, including through the provision of good offices, and support the strengthening of civil society and multi-party democracy, and give the necessary support to the Goma and Nairobi processes;

(c) Assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law;

(d) In close coordination with international partners and the United Nations Country Team, provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections;

(e) Assist in the establishment of a secure and peaceful environment for the holding of free and transparent local elections that are expected to be held by the end of June 2009;

(f) Contribute to the promotion of good governance and respect for the principle of accountability;

(g) In coordination with international partners, advise the Government of the Democratic Republic of the Congo in strengthening the capacity of the judicial and correctional systems, including the military justice system;

5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e);

6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4;

7. *Requests* the Secretary-General to present recommendations in his next three-monthly report on the progressive handover of those tasks listed in paragraph 4, from MONUC to the United Nations country team and bilateral and multilateral partners, as far as the western part of the country is concerned, with a view to reinforcing the action of United Nations peacebuilding mechanisms in the Democratic Republic of the Congo and in order to permit MONUC to concentrate its efforts on the eastern part of the country;

8. *Underscores* the importance of MONUC implementing the mandate described in this resolution in full, including through robust rules of engagement and *requests* the Secretary-General to ensure that MONUC's concept of operation and rules of engagement are updated by 31 January 2009 to bring them fully in line with the provisions of this resolution and to report on it to the Security Council and troop-contributing countries;

9. *Requests* the Secretary-General to continue to report regularly, and at least every three months, on the situation in the Democratic Republic of the Congo

and on MONUC's activities, and to provide the Security Council, with the same regularity, a specific update on the military situation;

10. *Requests* in particular the Secretary-General, in his next report under paragraph 9 above, to inform the Security Council on the development of a strategic workplan with appropriate benchmarks to measure and track progress on the implementation the mandate described in paragraphs 3 and 4;

11. *Requests* the Secretary-General to include in his next report a comprehensive assessment of MONUC's DDR and DDRRR programmes and, in close coordination with his Special Envoy for the Great Lakes region, to make recommendations on possible adjustments needed to increase their effectiveness, resourcing and coordination with MONUC's military component;

12. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, *demands* in particular that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings, and, in addition, that MONUC human rights observers are granted access to detention centres and brassage centres, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

13. *Requests* MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem;

14. *Emphasizes* that operations led by the FARDC against illegal foreign and Congolese armed groups should, consistent with the mandate set forth in paragraph 3 subparagraph (g) above, be planned jointly with MONUC and in accordance with international humanitarian, human rights and refugee law and should include appropriate measures to protect civilians;

15. *Takes note* of the measures taken by MONUC to address instances of sexual exploitation and abuse and of the zero-tolerance policy, *requests* the Secretary-General to continue to fully investigate the allegations of sexual exploitation and violence by civilian and military personnel of MONUC, to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

16. *Encourages* MONUC to enhance its interaction with the civilian population, in particular internally displaced persons, to raise awareness and understanding about its mandate and activities;

17. *Demands that* all the parties to the Goma and Nairobi processes respect the ceasefire and implement their commitments effectively and in good faith, *calls on* all armed groups to immediately lay down their arms and present themselves without any further delay or preconditions to Congolese authorities and MONUC for their disarmament, repatriation, resettlement and/or reintegration, as appropriate;

18. *Requests* the Secretary-General and his Special Envoy for the Great Lakes region to intensify their good offices, in close consultation with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, in facilitating a political solution to address the underlying causes of the crisis in the Kivus and calls on the Government of the Democratic Republic of the Congo, the Government of Rwanda and other Governments of the region, international partners and all regional and Congolese parties to cooperate with the Special Envoy of the Secretary-General for the Great Lakes region and with the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

19. *Urges* the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda to take concrete steps to defuse tensions, including through reactivating the Joint Verification Mechanism, and to step up their cooperation in order to implement fully the commitments taken in their joint communiqué signed in Nairobi on 9 November 2007 (S/2007/679), in particular to address as a priority the disarmament and repatriation of the FDLR working in close cooperation with the Special Envoy of the Secretary-General for the Great Lakes region and MONUC;

20. *Urges* all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008) or in support of activities of armed groups present in the region, and abide by their commitments made at the Tripartite Plus meeting of September 2007 to establish bilateral diplomatic relationships;

21. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council, *encourages* in particular the Government of the Democratic Republic of the Congo, to work with specialist organizations, international financial institutions and MONUC, as well as the countries of the region, to establish a plan for an effective and transparent control over the exploitation of natural resources including through conducting a mapping exercise of the main sites of illegal exploitation;

22. *Requests* the Government of the Democratic Republic of the Congo, with the support of the international community and of MONUC, to develop and implement as a matter of urgency a comprehensive national security sector reform strategy, including based on the outcome of the Roundtable on Security Sector held in February 2008, in order to establish professional security organizations in the areas of defence, police and the administration of justice that protect civilians, are well managed, and act in accordance with the Constitution and with respect for the rule of law, human rights and international humanitarian law and urges the Congolese Government to ensure the sustainability of the support given by its partners in this area in particular by giving priority to the reform of the administration and command structures of FARDC and all its other security forces and reiterates its call upon the Congolese authorities to establish a vetting mechanism to take into account when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the candidates' past actions in terms of respect for international humanitarian law and human rights;

23. *Demands that* all parties ensure timely, safe and unhindered access of all humanitarian actors and comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law;

24. *Demands*, recalling its resolution 1698 (2006), that all armed groups, in particular the forces of Laurent Nkunda, the FDLR and the LRA immediately stop recruiting and using children and release all children associated with them;

25. *Recalls* the utmost importance of the fight against impunity, notably in the eastern part of the Democratic Republic of the Congo, by bringing to justice those who have committed crimes and atrocities;

26. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

27. *Decides* to remain actively seized of the matter.